

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CHERYL A. MANDELL,

Plaintiff,

v.

CHURCH OF JESUS CHRIST OF
OF LATTER DAY SAINTS,

Defendant.

3:10-CV-0216-RCJ (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

This report and recommendation is made to the Honorable Robert C. Jones, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

On April 14, 2010, plaintiff submitted an application to proceed *in forma pauperis* (#1). Upon review of the application, the court found that plaintiff's declaration was insufficient for the court to act on the application (#3). The court sent plaintiff a second application to proceed *in forma pauperis* and ordered plaintiff to file it on or before June 18, 2010. *Id.* Plaintiff was cautioned that failure to do so would result in a recommendation to the District Court to dismiss this action. *Id.* Plaintiff failed to respond to this court's order.

Based upon the foregoing, the undersigned magistrate judge recommends that plaintiff's application to proceed *in forma pauperis* (#1) be denied and this action be dismissed without prejudice.

The parties should be aware of the following:

1. They may file, pursuant to 28 U.S.C. § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice, specific written objections to this Report and Recommendation within fourteen (14) days


1 of receipt. These objections should be titled "Objections to Magistrate Judge's Report and
2 Recommendation" and should be accompanied by points and authorities for consideration by the
3 District Court.

4 2. This Report and Recommendation is not an appealable order, and any notice of appeal
5 pursuant to Rule 4(a)(1), Fed. R. App. P., should not be filed until entry of the District Court's
6 judgment.

7 **RECOMMENDATION**

8 For the reason stated above, the undersigned Magistrate Judge recommends that the District
9 Court enter an order **DENYING** plaintiff's application to proceed *in forma pauperis* (#1) and
10 **DISMISSING** this action without prejudice.

11 DATED: September 20, 2010.

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14 UNITED STATES MAGISTRATE JUDGE
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